

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

THOMAS J. HIGLEY,) 3:06-CV-412-ECR-RAM
)
Plaintiff,) MINUTES OF THE COURT
)
vs.) DATE: August 5, 2010
)
RICK'S FLOOR COVERING, INC.,)
)
Defendant.)
_____)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

It has been brought to our attention that a "Motion to Strike Bill of Costs and/or to Retax Costs" (#50), filed by Plaintiff on October 3, 2008, was never ruled upon. Oddly, neither party informed us of this omission. An appeal of our Order (#43), granting summary judgment to Defendant, was filed and is apparently still pending before the Ninth Circuit. Nevertheless, it is appropriate for us to rule on this motion relating to the bill of costs, which should have been resolved long ago.

No objections to the Bill of Costs (#45) were timely filed by Plaintiff; objections to the bill of costs were due by September 25, 2008, but the motion (#50) was filed on October 3, 2008. As such, Plaintiff waived any objection to the validity of the award of costs. In any case, it appears that Plaintiff's objections are without merit. Defendant was the prevailing party, and was properly awarded costs. Plaintiff objects to any award for travel expenses, but no such expenses were awarded. No award for "scanning charges" or "copies" was made, and no further detail is required to support the award for "fees and disbursements for printing."

IT IS, THEREFORE, HEREBY ORDERED that Plaintiff's motion to strike (#50) is **DENIED**.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk